

MOSER  
PATTERSON &  
SHERIDAN, LLP  
ATTORNEYS AT LAW

RECEIVED  
CENTRAL FAX CENTER

JUN 10 2004

OFFICIAL

595 Shrewsbury Ave, Suite 100  
Shrewsbury, NJ 07702-4185  
TEL 732.530.9404  
FAX 732.530.9808

WWW.MPSLLP.COM

RECEIVED

JUL 06 2004

OFFICE OF PETITIONS

## FACSIMILE COVER SHEET

THIS MESSAGE HAS 9 PAGES INCLUDING THIS SHEET

TO: Commissioner for Patents

FAX NO.: 703-872-9306

FROM: Eamon J. Wall

DATE: 6/10/04

MATTER: Serial No. 09/303,718 Filed: 4/30/99

DOCKET NO.: ARUNACHALAM 7-18-4-4-1

APPLICANT: Arunachalam et al.

The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:

<input checked="" type="checkbox"/> Request for Reconsideration of <sup>Denial</sup> <del>Patent</del> <sub>lc</sub>	<input type="checkbox"/> Transmittal Letter (2 copies)
<input type="checkbox"/> Disclosure Statement & PTO-1449	<input type="checkbox"/> Fee Transmittal (2 copies)
<input type="checkbox"/> Priority Document	<input checked="" type="checkbox"/> Deposit Account Transaction
<input type="checkbox"/> Drawings ( <u>      </u> sheets) informal	<input checked="" type="checkbox"/> Facsimile Transmission Certificate
<input checked="" type="checkbox"/> Declaration of Keith D. Nowak	<u>dated 6/10/04</u>
<input checked="" type="checkbox"/> Copy of Decision on Petition	

## CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for Patents, Alexandria, VA 22313-1450 on 6/10/04, Facsimile No. 703-872-9306

LAURA E. CRATER  
Name of person signing this certificate

*Laura E. Crater* 6/10/04  
Signature and date

## CONFIDENTIALITY NOTE

The document accompanying this facsimile transmission contains information from the law firm of Moser, Patterson & Sheridan, L.L.P. which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

220158

RECEIVED  
CENTRAL FAX CENTER

JUN 10 2004

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

## PATENT APPLICATION

OFFICIAL

Applicants: **Arunachalam et al.** Case: **Arunachalam 7-18-4-4-1**  
Serial No.: **09/303,718** Examiner: **Unknown**  
Filed: **April 30, 1999** Group Art Unit: **2662**  
Title: **SCALABLE HIGH SPEED ROUTER APPARATUS**

RECEIVED

JUL 06 2004

OFFICE OF PETITIONS

**REQUEST FOR RECONSIDERATION OF DENIAL**  
**OF REQUEST FOR RECONSIDERATION OF DENIAL OF PETITION TO**  
**WITHDRAW HOLDING OF ABANDONMENT**  
**BASED ON FAILURE TO RECEIVE OFFICE ACTION**

VIA FACSIMILE 703-872-9306  
Commissioner for Patents  
P.O. Box 1450  
Technology Center 2600  
Alexandria, VA 22313-1450

Attention: **Dwayne D. Bost, Special Program Examiner**  
**Technology Center 2600, Communications**

SIR:

Applicants respectfully request reconsideration of the Office's May 18, 2004 denial of Applicants' Request for Reconsideration of the Denial of Petition for Withdrawal of Abandonment (copy of the Office's decision is attached for convenience of the Office).

In support of Applicants' request for reconsideration, submitted herewith is the further Declaration of Keith D. Nowak (the practitioner of record at the time of mailing the Office Action) including Mr. Nowak's statement that a search of the file jacket and docket records indicates that the identified communications were not received. MPEP 711.03(C)II.

Applicants note the application has been forwarded to the Office of Petitions for the alternative consideration as a Petition to revive an abandoned application under 37 CFR §1.137(a), but respectfully submit that in view of the further Declaration of Keith D. Nowak submitted herewith, Applicants' Petition for Withdrawal of Abandonment should be favorably considered.

Serial No. 09/303,718  
Page 2

Applicants do not believe that any fee is due. In the event Applicants are incorrect, the Commissioner is authorized to charge Deposit Account No. 20-0782 for any fees due to make this Request for Reconsideration timely and complete.

Respectfully submitted,

Dated: 6/10/04

*E J Wall*

---

EAMON J. WALL, REG. #39,414  
MOSER, PATTERSON & SHERIDAN, LLP  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702  
Telephone: 732-530-9404  
Facsimile: 732-530-9808

Serial No. 09/303,718  
Page 3

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or being facsimile transmitted to the USPTO, on the date indicated below.

Laura E. Crater  
LAURA E. CRATER

6/10/04  
Date of signature

LONT | ARNCHLAM



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

MAIL

MAY 18 2004

Paper No. 10

MOSER, PATTERSON & SHERIDAN L.L.P.  
595 SHREWSBURY AVE, STE 100  
FIRST FLOOR  
SHREWSBURY NJ 07702DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600In re Application of  
Arunachalam et al.  
Application No. 09/303,718  
Filed: April 30, 1999  
For: SCALABLE HIGH SPEED ROUTER  
APPARATUSDECISION ON PETITION  
TO WITHDRAW HOLDING OF  
ABANDONMENT

This is in response to the Request for Reconsideration, filed March 30, 2004 via facsimile submission. The request for reconsideration is in response to the decision mailed February 26, 2004 (paper No. 8) which denied the original Petition to Withdraw Holding of Abandonment pursuant to MPEP §711.03(c)(II) and 37 C.F.R. § 1.181(a) (paper No. 7). The No fee is required.

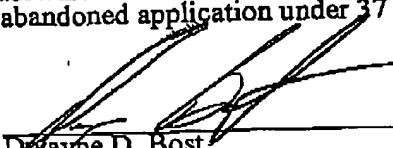
On June 5, 2002, a non-final Office action was mailed (paper No. 4) in the subject application. A response from Applicants was not received and matched with the file. On November 10, 2003, a Notice of Abandonment was mailed (paper No. 5).

The original petition (paper No. 7) was denied as the petitioner not providing a sufficient showing of non-receipt of the non-final Office action (paper No. 4, mailed June 5, 2002). Specifically, the petition lacked a statement *from the practitioner* of record (at the time of mailing the Office action), indicating: (1) that the non-final Office action (paper No. 4, mailed June 5, 2002) was not received, (2) a statement attesting to the fact that a search of the file jacket and docket records indicates that the non-final Office action was not received and (3) reference to attached docketing records within practitioner's statement.

Within the subject Request for Reconsideration, a declaration was provided by Keith D. Nowak, Practitioner of record. The declaration by Keith D. Nowak is deficient. The declaration provides a statement that the Office communication was not received and also references the docket record. However, the declaration does not provide a statement from the Practitioner of record which indicates that they personally searched the file jacket and docket records. Instead, the declaration states "If an Office Action had been received, it would have been docketed and given to me for a reply." This is insufficient to meet the second requirement of MPEP §711.03(c) section II.

For the above reasons, the Request for Reconsideration is **DENIED**.

Petitioner alternatively requests that the Request for Reconsideration be considered as an Unavoidable abandonment, presumably pursuant to 37 C.F.R. §1.137(a). The application will be forwarded to the Office of Petitions for the alternative consideration as a Petition to revive an abandoned application under 37 C.F.R. §1.137(a).

  
Dwayne D. Bost  
Special Program Examiner  
Technology Center 2600  
CommunicationsRECEIVED  
MAY 21 2004Moser, Patterson & Sheridan  
New JerseyDOCKETED  
MAY 25 2004BY SRM

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicants: R. Arunachalam; V.P. Kumar; S.R. Rathnavelu; D. Stiliadis  
Serial No.: 09/303,718  
Filed: April 30, 1999  
For: SCALEABLE HIGH SPEED ROUTER APPARATUS  
Group Art Unit: 2731

**DECLARATION OF KEITH D. NOWAK**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1. I was a partner in the law firm of Lieberman & Nowak LLP ("L&N") from February 1, 1981 to January 31, 2003.
2. The Office Action of June 5, 2002 did not appear on L&N's docket record for September 5, 2002, or December 5, 2002 (copy attached).
3. On February 1, 2003, we joined the law firm of Dickstein Shapiro Morin & Oshinsky and moved our offices from 350 Fifth Avenue, NY, NY to 1177 Avenue of the Americas, New York, NY and the Notice of Abandonment mailed February 10, 2003 was not received.
4. To the best of my knowledge, no one at L&N received an Office Action or Notice of Abandonment for the above-captioned patent application


5. If an Office Action had been received, it would have been docketed and given to me for a reply. As stated in the Declaration of Clara Jean Castle dated December 10, 2003, if she, or any other person employed at L&N had received the Office Action mailed June 5, 2002, the Office Action would have been entered into L&N's docket records for a response due September 5, 2002, and a six month deadline of December 4, 2002.

6. A search of the file jacket and docket records indicated that the above-identified communications were not received in our office.

I am aware that willful false statements and the like are punishable by fine or imprisonment, or both under 18 U.S.C. 1001, and may jeopardize the validity of the instant application or any patent issuing thereon. I certify that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Dated: June 8, 2004

Respectfully submitted,

  
Keith D. Nowak

## PATENT DOCKET

Due /Last File Date /Date Number	Client	Country	Action	Compl. Date
<b>SEPTEMBER 2002</b>				
9/1 JKK 10661-2	DCI	Australia	Search reports	Not needed
9/1 JKK 10807-3	DCI	Australia	Search reports	Not needed
9/1 JKK 11044	Lucent	Japan	Office Action	9/9
9/4 JKK 11201	Brilliant	U.S.	File off Provisional by 10/4	
9/4 JKK 11200	Jacob	Foreign Filing due 10/4		
9/4 JKK 11201	Brilliant	File off Provisional & For. Fil. Due		10/4
9/4 JKK 11200	Jacob	U.S.	BASIS ISSUE FEE	done
9/7 JKK 11170	Hoberman	PCT	Demand Chapter II due	8/29
9/8 JKK 11205	McNerney	Foreign Filing Due 11/8		done
9/9 JKK 11206	Hoppy	File off Prov. & Ff Due 11/9		9/10
9/11 WRM 4021-099	Catalyst	U.S.	Appeal Brief	9/10
9/11 KDN 11155	Hoberman	U.S.	Office Action	9/23
9/12 JKK 10875	eNexus	China	Office Action	done
9/15 JKK 10874	Canada	eNexus	Examination	Proceeding to issue
9/17 JKK 11055	Lucent	BPA	Office Action	
9/18 JKK 11173	Grandoe	Foreign Filing Due 10/18		9/9/02
9/19 KDN 11165	Hoppy	U.S.	Rest. Req.	none
9/19 JKK 11198	Mashkakov	FOREIGN FILING DUE		done
9/19 BS 10652	Safas	Canada	Office Action	
9/19 WM 4021-099	Catalyst	U.S.	SIX MONTH DEADLINE	
9/20 JKK 11168-1	Catalyst	Foreign Filing Due 11/20		
9/20 JKK 11177	Jones	U.S.	Office Action (Final)	Abandoned
9/21 JKK 11199	Wilson	FILE OFF PROVISIONAL & FOR. FIL.		9/17
9/21 JKK 10875	eNexus	EPO	Instructions	done
9/23 JKK 10874	eNexus	EPO	Grant Fees	
9/26 JKK 11207	Hoberman	F.f. & File off Provisional Due 11/26		



Due /Last File Date /Date Number	Client	Country	Action	Compl. Date
<b>DECEMBER 2002</b>				
12/6 CJC 10822-1	Safas	Korea/PCT	Examination Prov. & FP Due 2/7	1/4/02
12/7 JKK 11170	Hoberman	U.S.	BIF DUE 1/7	
12/7 CJC 11176	Catalyst	U.S.	BIF & DWS. DUE	12/6
12/9 CJC 11174	Catalyst	U.S.	U.S. Office Action	
12/11 WRM	11142	Catalyst	U.S. Office Action	
12/11 WRM	11143	Catalyst	U.S.	
12/13 JKK 11217	Brilliant	File off prov. & ff due 2/13		
12/14 CJC 4021-115.	Catalyst	Foreign Filing Due 2/14	Foreign filing & file off provisional due 2/15	
12/15 JKK 11169	Brilliant	U.S.	Office Action	1/2
12/16 JKK 11132	Real Advisor	U.S.	Office Action	
12/27 CJC 11169	Catalyst	U.S.	BIF DUE	Done
12/28 JKK 11214	Meritt	Foreign Filing Due 2/28		